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OLL 85-0803  
8 March 1985

MEMORANDUM FOR: Director of Personnel  
Comptroller  
Chief, Administrative Law Division/OGC

FROM:

Deputy Chief, Legislation Division, OLL

SUBJECT: Federal Pay Equity Act of 1985 -  
Discriminatory wage setting practices between  
male dominated jobs and female dominated jobs

### Introduction

1. Recently, Congresswoman Oakar, who chairs the Compensation Subcommittee of the House Civil Service Committee, introduced legislation nominally referred to as the Federal Pay Equity Act. ( H.R. 27 ) It is designed to eliminate any discriminatory wage setting practices between male dominated jobs and female dominated jobs. Similar legislation was introduced in the Senate with a firm commitment to hold hearings. ( S. 5 )

2. In the last Congress the House of Representatives voted in favor of identical legislation 413 to 6. However, the Senate did not act on its version of the bill. Nevertheless, the Senate Government Affairs Committee, having jurisdiction over federal wage setting practices has given top priority to this issue.

### Background

3. Studies have found that certain female dominated occupations generally receive lower pay compared to male dominated occupations. Most notably the female dominated categories are nurses, teachers and clericals. Because women have been traditionally clustered in these fields there has



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been a tendency to pay them less. Supporters of the legislation maintain that the lesser wage is paid because these occupations are female dominated and not because these jobs have less intrinsic worth.

4. Experts in the field of occupational analysis have established objective criteria so that comparisons can be made between different occupations to determine pay field. Differentials in pay are based on such standards as skill levels, experience, education, responsibility, working environment and stress. For example, such analysis has been used to adjust unfair wage differentials between nurses, which is female dominated, and landscapers, a male dominated occupation. A federal court upheld the intrinsic worth analysis and found an unfair wage differential discriminating against nurses compared to landscapers. Accordingly, nurse's wages were upgraded.

5. The present controversy should be distinguished from a more blatant form of discrimination that existed in the past where men and women were paid different wages for the same type of work - female bus drivers and male bus drivers as a case in point. Any wage differential favoring men is discriminatory and illegal under the Equal Pay Act. The present bill attempts to make a finer distinction in wage setting practices between men and women in different occupations.

#### Legislative Analysis ( H.R. 27 )

6. The fundamental purpose of the "Federal Pay Equity Act" is to identify in federal government any discriminatory wage setting practices and discriminatory wage differentials ( Sec. 2 ). This objective will be accomplished by a comprehensive study by an outside consultant, contracted for by the Office of Personnel Management. The study and report shall include appropriate remedial recommendations ( Sec. 3 ). Elaborate procedures will be used to find and contract for such a consultant ( Sec. 4 ). During the study federal agencies are obliged to cooperate by supplying data, reports and other information the consultant may need for the study ( Sec. 5 ).

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### Conclusion

7. While the Administration is doubtful about the capability of making comparisons between different occupations, the Agency should, nevertheless, be prepared to answer views letters on the legislation. In this connection, it is important to note that section 5(c) of H.R. 27 has a protective provision which prohibits the disclosure of information which is otherwise prohibited from disclosure by law. Senate bill S. 5 has no corresponding provision.

8. A copy of the two bills and a Congressional Record statement is included herewith.

STAT

Attachments:  
As stated

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# H. R. 27

IN THE HOUSE OF REPRESENTATIVES

**Ms. OAKAR** introduced the following bill; which was referred to the Committee on Post Office and Civil Service

# A BILL

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

4 SECTION 1. For purposes of this Act—

(1) the term “agency” means an executive agency within the meaning of section 105 of title 5, United States Code (other than the General Accounting Office);

9           (2) the term “employee” means an individual em-  
10       ployed in or under an agency;

1           (3) the term "position" means the work, consist-  
2           ing of the duties and responsibilities, assignable to an  
3           employee;

4           (4) the term "discriminatory wage-setting prac-  
5           tices" means practices resulting in a situation in which  
6           the rates of pay payable for positions held predomi-  
7           nantly by female employees are lower than the rates of  
8           pay payable for positions held predominantly by male  
9           employees although the work performed in each in-  
10          stance involves comparable duties, responsibilities, and  
11          qualification requirements and is performed under com-  
12          parable working conditions (and, in the case of prevail-  
13          ing rate employees, within the same wage area or  
14          within areas subject to the same wage schedules and  
15          rates);

16          (5) the term "discriminatory wage differentials"  
17          means differences in rates of pay resulting from the use  
18          of discriminatory wage-setting practices;

19          (6) the term "equitable job-evaluation technique"  
20          means an objective method of determining the compar-  
21          ative value of different positions using a system which  
22          rates numerically the basic features and requirements  
23          of a position, including such factors as the duties, re-  
24          sponsibilities, qualification requirements, and working

1 conditions involved, and which does not take into con-  
2 sideration race, color, religion, sex, or national origin;

3 (7) the term "labor organization" has the meaning  
4 given such term by section 7103(a)(4) of title 5, United  
5 States Code; and

6 (8) the term "consultant" includes an organization  
7 which provides consultant services.

8 **PURPOSE**

9 **SEC. 2.** It is the purpose of this Act to identify any  
10 discriminatory wage-setting practices and discriminatory  
11 wage differentials within the Federal Government's position-  
12 classification system under chapter 51 of title 5, United  
13 States Code, and job grading system under subchapter IV of  
14 chapter 53 of such title.

15 **STUDY AND REPORTING REQUIREMENTS**

16 **SEC. 3. (a)** In order to carry out the purpose of this Act,  
17 the Office of Personnel Management—

18 (1) shall provide, by contract with the consultant  
19 selected under section 4(c), for the conduct of a study  
20 and the preparation of a report—

21 (A) containing the findings of such consultant  
22 pursuant to such study with respect to discrimina-  
23 tory wage-setting practices and discriminatory  
24 wage differentials within the systems referred to  
25 in section 2 (including a list of any positions de-  
26 termined as being subject to discriminatory wage-

1           setting practices and the extent of any discrimina-  
2           tory wage differentials attributable to such  
3           practices);

4           (B) identifying appropriate measures for  
5           eliminating such practices and differentials (other  
6           than any measure which would result in a reduc-  
7           tion in the rate of pay payable for any position),  
8           including proposals relating to the development  
9           and use of equitable job-evaluation techniques and  
10          training programs for individuals who would be  
11          responsible for implementing those measures; and

12          (C) specifying any measures identified under  
13          subparagraph (B) which are authorized under cur-  
14          rent law and making recommendations for any  
15          legislative or other action (other than any action  
16          which would result in a reduction in the rate of  
17          pay payable for any position) which may be neces-  
18          sary in order to carry out the other measures  
19          identified under such subparagraph; and

20          (2) one month after receiving the consultant's  
21          report, shall transmit to the President and the Commit-  
22          tee on Post Office and Civil Service of the House of  
23          Representatives and the Committee on Governmental  
24          Affairs of the Senate a copy of such report, together  
25          with any written comments submitted to the Office by

1 the Pay Equity Study Council under section 4(e), and  
2 any written comments of the Office.

3 (b) The contract shall require that the consultant's  
4 report shall be submitted to the Office of Personnel Manage-  
5 ment and the Pay Equity Study Council within six months  
6 after the date on which the contract is entered into.

7 PROCEDURES RELATING TO SELECTION OF CONSULTANT  
8 AND CONDUCT OF THE STUDY

9 SEC. 4. (a)(1) Within ten days after the effective date of  
10 this Act, the Office of Personnel Management shall establish  
11 a Pay Equity Study Council, which shall consist of—

12 (A) five or more members who shall represent  
13 labor organizations representing substantial numbers of  
14 female employees occupying positions subject to either  
15 of the systems referred to in section 2 (including indi-  
16 viduals representing each of the three labor organiza-  
17 tions under this subparagraph representing the greatest  
18 number of employees); and

19 (B) one or more members who shall represent one  
20 or more employee organizations composed primarily of  
21 female employees occupying such positions and having  
22 as a purpose promoting the interests of women in  
23 Government.

24 (2) Members of the Council shall not be considered to be  
25 employees by reason of appointment to the Council, and shall  
26 not receive pay by reason of service as such members.



1 (b) During the thirty-day period beginning on the date of  
2 the establishment of the Pay Equity Study Council—

3 (1) the Office of Personnel Management and the  
4 Council shall meet in order to discuss the proposed  
5 design and methodology of the study and any other  
6 matter concerning the conduct of the study which the  
7 Office and the Council may consider appropriate; and

8 (2) the Council shall prepare and submit to the  
9 Office a list of at least five consultants which, on the  
10 basis of their impartiality, expertise, and experience,  
11 and taking into consideration the matters discussed  
12 with the Office under paragraph (1), the Council deter-  
13 mines would be appropriate to conduct the study under  
14 this Act.

15 (c) The selection of a consultant to conduct the study  
16 under this Act shall be made by the Office from among the  
17 consultants included on the list prepared under subsection  
18 (b)(2).

19 (d) Under the contract, the consultant shall be required  
20 to meet jointly with the Office of Personnel Management and  
21 the Pay Equity Study Council, on at least a monthly basis, in  
22 order to keep the Office and the Council informed of any  
23 progress or other developments in the performance of the  
24 study, and to obtain any views or recommendations of the  
25 Office, the Council, and individual members of the Council.

1 (e) The Council shall submit its written comments (and  
2 any written comments of individual members of the Council)  
3 on the consultant's report to the Office in time for their trans-  
4 mission to the President and Congress under section 3(a)(2).

5 (f) The Council shall cease to exist after submitting the  
6 comments referred to in subsection (e).

7 AGENCY COOPERATION

8 SEC. 5. (a) Each agency—

9 (1) shall cooperate with the consultant selected  
10 under section 4(c) in the conduct of the study under  
11 this Act; and

12 (2) shall provide any data, reports, or other infor-  
13 mation which such consultant may request in the  
14 course of the study.

15 (b) The Office of Personnel Management shall provide  
16 the Pay Equity Study Council with any information which  
17 the Council considers necessary in order to carry out its re-  
18 sponsibilities under this Act.

19 (c) Nothing in this section authorizes or requires the dis-  
20 closure of any information if, or to the extent that, such dis-  
21 closure would otherwise be prohibited by law.

22 CONSTRUCTION

23 SEC. 6. Nothing in this Act shall be construed to limit  
24 any of the rights or remedies provided under the Civil Rights  
25 Act of 1964, section 6(d) of the Fair Labor Standards Act of

8

1 1938, or any other provision of law relating to discrimination  
2 on the basis of race, color, religion, sex, or national origin.

3           **RESTRICTION ON CONTRACTING AUTHORITY**

4           **SEC. 7.** The authority of the Office of Personnel Man-  
5 agement to enter into a contract under this Act is effective  
6 for any fiscal year only to such extent or in such amounts as  
7 are provided in appropriation Acts.

8                               **EFFECTIVE DATE**

9           **SEC. 8.** This Act shall take effect thirty days after the  
10 date of the enactment of this Act.

II

99TH CONGRESS  
1ST SESSION

## S. 5

To require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity by eliminating wage-setting practices which discriminate on the basis of sex, race, ethnicity, age, or disability, and result in discriminatory wage differentials.

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### IN THE SENATE OF THE UNITED STATES

JANUARY 3, 1985

Mr. BYRD (for Mr. CRANSTON) (for himself and Mr. MELCHER) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity by eliminating wage-setting practices which discriminate on the basis of sex, race, ethnicity, age, or disability, and result in discriminatory wage differentials.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Pay Equity Act of 1983".

4               STATEMENT OF FINDINGS AND PURPOSE

5       SEC. 2. (a) The Congress finds that—

1           (1) the average earnings of full-time female work-  
2       ers are significantly lower than the average earnings of  
3       similarly situated male workers;

4           (2) this average earnings difference arises, in sig-  
5       nificant part, because wages paid in occupational fields  
6       or job classifications held predominantly by female  
7       workers are lower than those paid in occupational  
8       fields or job classifications held predominantly by male  
9       workers, and this differential results, in significant part,  
10      from wage-setting practices based on the sex of the  
11      employees, rather than any intrinsic differences in the  
12      comparable worth of the job as measured by the educa-  
13      tion, training, skills, experience, effort, responsibility,  
14      or working conditions required for the job;

15          (3) because of these discriminatory wage differen-  
16      tials resulting from discriminatory wage-setting prac-  
17      tices, many female workers are underpaid and under-  
18      compensated for their work efforts and thereby denied  
19      equal employment opportunities;

20          (4) these discriminatory wage-setting practices  
21      and discriminatory wage differentials result in depress-  
22      ing the wages, devaluing the work, and lowering the  
23      living standards of many female workers and contribute  
24      to the increasing number of women and children living  
25      at or near the poverty level and a consequent increase

1 in their need for various forms of government assist-  
2 ance;

3 (5) the contributions of female workers are vital to  
4 our economy, and the continued existence and toler-  
5 ance of these discriminatory wage-setting practices and  
6 discriminatory wage differentials prevent full utilization  
7 of the talents, skills, experience, and potential contribu-  
8 tions of female workers and result in the exploitation of  
9 those workers;

10 (6) these discriminatory wage-setting practices  
11 and discriminatory wage differentials persist despite ap-  
12 plicable State and Federal equal employment opportu-  
13 nity laws and directives;

14 (7) the Federal agencies charged with the respon-  
15 sibility for enforcement of Federal equal employment  
16 opportunity laws and directives have failed to take  
17 action, pursuant to applicable such laws and directives,  
18 to seek to eliminate discriminatory wage-setting prac-  
19 tices and discriminatory wage differentials; and

20 (8) objective job-evaluation techniques now exist  
21 which are utilized by many public and private employ-  
22 ers to determine the comparative value of different jobs  
23 through a system which numerically rates the basic  
24 features and requirements of a particular job, and addi-  
25 tional efforts should be made to develop, improve, and

1       implement these techniques so as to help eliminate dis-  
2       criminatory wage-setting practices and discriminatory  
3       wage differentials.

4       (b) Recognizing that the elimination of discriminatory  
5       wage-setting practices and discriminatory wage differentials  
6       is in the public interest, the purpose of this Act is to help  
7       eliminate such practices and differentials by—

8           (1) providing for the development and utilization  
9       of equitable job-evaluation techniques that will promote  
10      the establishment of wage rates based upon the work  
11      performed rather than the sex of the employee and  
12      thereby help ensure that all employees, irrespective of  
13      sex, race, ethnicity, age, or disability, receive compara-  
14      ble pay for work of comparable worth;

15          (2) providing to those Federal agencies charged  
16      with the responsibility for enforcement of Federal equal  
17      employment opportunity laws and directives specific  
18      guidance and direction to help eliminate discriminatory  
19      wage-setting practices and discriminatory wage differ-  
20      entials;

21          (3) encouraging and stimulating public and private  
22      employers to eliminate discriminatory wage-setting  
23      practices and discriminatory wage differentials through  
24      the development and utilization of equitable job-evalua-  
25      tion techniques in setting wage rates; and

1           (4) bringing the Federal Government's wage-set-  
2       ting practices into compliance with the purpose of this  
3       Act and section 2301(b)(3) of title 5, United States  
4       Code, which provides that equal pay should be provid-  
5       ed for work of equal value in Federal employment.

6                               DEFINITIONS

7       SEC. 3. As used in this Act, the term—

8           (1) "Commission" means the Equal Employment  
9       Opportunity Commission established by section 705 of  
10      the Civil Rights Act of 1964 (42 U.S.C. 2000e-4);

11          (2) "Secretary" means the Secretary of Labor;

12          (3) "Federal agency" means any agency of the  
13      Federal Government or the District of Columbia, in-  
14      cluding any executive agency as defined in section 105  
15      of title 5, United States Code, the United States Postal  
16      Service and the Postal Rate Commission, and the Li-  
17      brary of Congress, the General Accounting Office, and  
18      the Office of Technology Assessment;

19          (4) "discriminatory wage-setting practices" means  
20      the setting of wage rates paid for jobs held predomi-  
21      nantly by female workers lower than those paid for  
22      jobs held predominantly by male workers although the  
23      work performed requires comparable education, train-  
24      ing, skills, experience, effort, and responsibility, and is  
25      performed under comparable working conditions;



11           (7) “equitable job-evaluation technique” means a  
12       job-evaluation technique which, to the maximum extent  
13       feasible, does not include components for determining  
14       the comparative value of a job that reflect the sex,  
15       race, ethnicity, age, or disability of the employee.

17 **ACTIVITIES**

**S 5 IS**

1 clude recommendations for utilization of equitable job-evalua-  
2 tion techniques in setting rates for employees.

3 (2) Not later than one year after such enactment date,  
4 the Commission, in consultation with the Secretary (acting  
5 through the Office of Federal Contract Compliance Pro-  
6 grams), shall publish final guidelines for the purpose de-  
7 scribed in paragraph (1).

8 (b) In order to effectuate the purpose of this Act, the  
9 Commission shall develop and carry out a continuing pro-  
10 gram of education and information, under which, among  
11 other things, the Commission shall—

12 (1) undertake and promote research into the de-  
13 velopment of equitable job-evaluation techniques;

14 (2) develop a program for maximum dissemination  
15 and utilization of such equitable job-evaluation tech-  
16 niques; and

17 (3) develop and implement a program for provid-  
18 ing appropriate technical assistance to any public or  
19 private entity requesting such assistance to eliminate  
20 discriminatory wage-setting practices and discriminato-  
21 ry wage differentials.

22 (c) On February 1, 1987, and annually thereafter, the  
23 Commission shall submit to the President and the Congress a  
24 report describing in detail the activities of the Commission  
25 during the preceding fiscal year to carry out the provisions of

1 subsection (b). Such report shall include an evaluation of the  
2 effectiveness of such activities, a description of the Commis-  
3 sion's plans for carrying out the provisions of subsection (b)  
4 and effectuating the purpose of this Act during the fiscal year  
5 in which the report is submitted, and such recommendations  
6 for statutory changes or administrative action, or both (other  
7 than any measure which would result in a reduction in the  
8 rate of pay payable for any position), as the Commission con-  
9 siders necessary to effectuate such purpose.

10 (d)(1) The Commission shall provide for the conduct, by  
11 a private consultant selected upon recommendation of a nine-  
12 member advisory committee (including not less than six indi-  
13 viduals who are representatives of labor organizations repre-  
14 senting Federal employees or Federal employee organiza-  
15 tions composed primarily of female employees), of a study of  
16 the wage-setting practices and wage differentials within and  
17 between the Federal Government's position-classification  
18 system under chapter 51 of title 5, United States Code, and  
19 the job-grading system under subchapter IV of chapter 53 of  
20 such title, using equitable job-evaluation techniques, for the  
21 purpose of determining whether any discriminatory wage-set-  
22 ting practices or discriminatory wage differentials exist  
23 within or between such systems. The private consultant se-  
24 lected to conduct the study shall meet with the advisory com-  
25 mittee on a regular basis and keep it advised as to the

1 progress of the study. The study shall be completed eighteen  
2 months after the date of the enactment of this Act.

3 (2) Not later than twenty-four months after the date of  
4 the enactment of this Act, the Commission shall submit to  
5 the President and the Congress a report on its findings, in  
6 light of the final guidelines published under subsection (a)(2),  
7 with respect to the study undertaken pursuant to paragraph  
8 (1) and shall provide a copy of this report to the Director of  
9 the Office of Personnel Management. The report shall include  
10 such recommendations for statutory changes or administra-  
11 tive action, or both (other than any measure which would  
12 result in a reduction in the rate of pay payable for any posi-  
13 tion), as the Commission considers necessary to effectuate the  
14 purpose of this Act.

15 (3) Not later than ninety days after receiving a copy of  
16 the report pursuant to paragraph (2), the Director of the  
17 Office of Personnel Management shall submit to the Presi-  
18 dent and the Congress a report commenting on the Commis-  
19 sion's report and specifying its intentions and the reasons  
20 therefor (and, as appropriate, the timetable) to carry out or  
21 not carry out the Commission's recommendations.

22 (4) Notwithstanding any other provision of law, the Di-  
23 rector of the Office of Personnel Management and the head of  
24 each Federal agency shall cooperate in all respects with the  
25 Commission (and its consultant) in connection with the con-

duct of the study required under this subsection and shall provide to the Commission (and its consultant) such data, reports, and documents in connection with the subject matter of such study as the Commission (or its consultant) may request.

#### FEDERAL CONTRACTS

SEC. 5. (a)(1) Not later than thirty days after the date of the publication of final guidelines under section 4(a)(2), the Secretary (acting through the Office of Federal Contract Compliance Programs) shall publish in the Federal Register proposed guidelines for the purpose of requiring all contractors of the United States to identify and eliminate discriminatory wage-setting practices and discriminatory wage differentials. Such guidelines shall—

(A) include provisions to encourage all such contractors to develop and utilize equitable job-evaluation techniques in setting wage rates for employees;

(B) provide that each such contractor that is required by Federal law or directive to submit a written affirmative action plan shall (i) with respect to each such plan or update of each such plan submitted after the date of the publication of the final guidelines published pursuant to paragraph (2), include in such plan or update a review and identification of any discriminatory wage-setting practices and discriminatory wage differentials within such contractor's labor force and a

1 plan of action to eliminate any such practices and dif-  
2 ferentials, or (ii) if such contractor does not submit  
3 such plan or update within one year after such publica-  
4 tion date, submit, within such one-year period, an  
5 amendment to its existing plan which shall include the  
6 information described in subclause (i); and

7 (C) provide for compliance reviews of any such  
8 contractor that has failed to utilize equitable job-eval-  
9 uation techniques in setting wage rates for employees.

10 (2) Not later than sixty days after the date of the publi-  
11 cation of the proposed guidelines under paragraph (1), the  
12 Secretary shall publish final guidelines for the purpose de-  
13 scribed in paragraph (1).

14 (b) On February 1, 1987, and annually thereafter, the  
15 Secretary shall submit to the President and the Congress a  
16 report describing in detail the activities by the Office of Fed-  
17 eral Contract Compliance Programs pursuant to subsection  
18 (a) undertaken during the preceding fiscal year and to be un-  
19 dertaken during the fiscal year in which the report is submit-  
20 ted. Such report shall include such recommendations for stat-  
21 utory changes or administrative action, or both (other than  
22 any measure which would result in a reduction in the rate of  
23 pay payable for any position), as the Secretary considers nec-  
24 essary to effectuate the purpose of this Act.

1                   **FEDERAL DEPARTMENTS AND AGENCIES**

2       **SEC. 6.** Each Federal agency responsible for submitting  
3 an equal employment opportunity plan pursuant to section  
4 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16)  
5 shall include, in each such plan or update of such plan sub-  
6 mitted to the Commission after the date of the enactment of  
7 this section, a review and identification of any discriminatory  
8 wage-setting practices and discriminatory wage differentials  
9 with respect to its labor force and a plan of action to elimi-  
10 nate any such practices and differentials. Any such agency  
11 which does not submit such plan or update within one year  
12 after such enactment date shall, not later than one year after  
13 such enactment date, submit an amendment to its existing  
14 plan which shall include the information described in the pre-  
15 ceding sentence.

16                   **EQUAL PAY ACT REPORT**

17       **SEC. 7. (a)** Not later than January 1, 1986, the Com-  
18 mission shall submit to the President and the Congress a  
19 report describing in detail the activities of the Commission  
20 with respect to enforcement of the provisions of the Equal  
21 Pay Act of 1963 (29 U.S.C. 206(d)) since the date of transfer  
22 of authority for Equal Pay Act enforcement activities to the  
23 Commission pursuant to Reorganization Plan Numbered 1 of  
24 1978. Such report shall include with respect to such  
25 activities—

1           (1) information on the number of complaints re-  
2           ceived and processed by the Commission, their disposi-  
3           tion, and the allocation of Commission resources to  
4           Equal Pay Act enforcement activities;

5           (2) a comparison of the disposition of, and alloca-  
6           tion of resources to, these cases by the Commission to  
7           the disposition of, and allocation of resources to, simi-  
8           lar cases by the Department of Labor prior to the  
9           transfer of such responsibilities to the Commission; and

10          (3) any recommendations for statutory changes or  
11          administrative action, or both, as the Commission con-  
12          siders necessary to carry out the provisions of such Act  
13          and effectuate the purpose of this Act.

14          (b) Not later than ninety days after the date of the sub-  
15          mission of the report required by subsection (a), the Secretary  
16          shall submit to the President and the Congress a report com-  
17          menting on the Commission's report and containing such rec-  
18          ommendations for statutory changes or administrative action,  
19          or both, as the Secretary considers necessary to carry out the  
20          provisions of such Act and effectuate the purpose of this Act.

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Jersey's entire Essex County park system is Olmstedian, while Newark's Branch Brook Park retains much of the Olmsted firms designs. Other Olmsted sites are in New Mexico, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Wisconsin, as well as enormous bodies of work in New York State and Massachusetts.

This listing, with one exception, includes only the public properties. Others include, for example, the privately owned 12,000-acre Blitmore Estate in Asheville, NC, the grounds of which were designed by Frederick Law Olmsted, Sr. Olmsted was also responsible for Druid Hills in Atlanta, an historic district which has been described as "one of his outstanding works" in a recent report.

An example of a landscape design by one of Olmsted's former associates is Stan Hywet Hall in Akron, OH, the grounds of which were planned by Warren C. Manning. The house and its gardens, now a museum operated by a nonprofit foundation, are included on the National Register of Historic Places and are designated as a national historic landmark.

Another example would be the work of George E. Kessler (1862-1923), whose landscape designs spanned approximately the same time period as Olmsted's and share similar characteristics. Kessler was one of the founders in 1917 of the American Institute of Planners and landscaped in over 40 cities and communities, including in Kansas City and St. Louis, MO; Topeka, KS; Dallas, Wichita Falls, and El Paso, TX; Oklahoma City, OK; Memphis, TN; Cincinnati and Cleveland, OH; Denver, CO; Indianapolis, IN; Salt Lake City, UT; Syracuse, NY; and Mexico City, Mexico. While not an "associate" of Olmsted's, they did correspond, and Olmsted recommended Kessler for at least one project, in Merriam, KS.

These are only a few examples which clearly show that the Olmsted legacy lives on. The work done by him, and his sons, partners, and associates have influenced the development of landscape architecture throughout the world, and the places they left behind continue to be used and enjoyed by millions of people every year. This is truly part of our Nation's heritage.

#### CHANGES IN THE BILL

Although the bill being introduced today is essentially the same as the one which passed the House during the 98th Congress, a few changes have been made to meet several concerns raised by the administration. Most of these are of a technical or clarifying nature or they eliminate duplicative authorities or streamline the language of the bill itself.

For example, a definition of "historic landscape" is now included, which merely repeats the existing terminology in the National Historic Preservation Act but which makes the distinction between these landscapes and

those defined in the bill as an "Olmsted heritage landscape."

A few specific directives in the bill, such as some of the commemorative activities to be carried out during 1985-95, were deleted, with the understanding that these would be further described in the legislative history of the bill.

Of particular note, is the fact that the bill now includes a specific authorization for appropriations of \$2,500,000, effective in fiscal 1986. This is based on the Congressional Budget Office's projection last year that the program to be established under the previous bill would require between \$2 million and \$3 million over a 10-year period. By including the authorization, moreover, we make it very clear that this bill is not intended as a major new funding program but, rather, would simply draw on existing programs, including other funding authorities, to carry out most of its provisions.

In short, I believe that these changes will improve the opportunity for enactment during the 99th Congress, and I encourage other Members to join as cosponsors of the legislation.

#### REVIEW OF VETERANS' ADMINISTRATION DECISIONS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

• Mr. DE LA GARZA. Mr. Speaker, today I have prepared for introduction legislation to allow veterans access to the courts for review of Veterans' Administration decisions.

This bill, I feel, is a long needed one which would provide our Nation's veterans the same rights of judicial review that other citizens enjoy. Specifically, the bill would codify VA procedures—and if a veteran feels aggrieved by a final decision of the VA's Board of Veterans' Appeals, court review of that decision would be allowed.

All of us can appeal to the courts for a whole variety of civil complaints. This bill gives veterans the same option in a clear and equitable fashion by recognizing a right long overdue them.

Thank you. •

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#### PAY EQUITY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

• Ms. OAKAR. Mr. Speaker, today, I am reintroducing two bills which would ensure more equitable pay practices for millions of our Nation's workers. Each bill, the Pay Equity Act of 1985 and the Federal Pay Equity Act

of 1985, was the subject of comprehensive hearings held by my Subcommittee on Compensation and Employee Benefits during the last Congress.

More than 20 years ago, Congress passed the Equal Pay Act of 1963 which ensured equal pay for equal work, regardless of race, color, national origin, religion, or sex; 1 year later, Congress passed another significant piece of legislation, the Civil Rights Act of 1964. Contained in the act was a section, title VII, which took the concept of equal pay for equal work one step further by stating that women could not be paid less than men even when job content differs. While both these laws are important to workers, discrimination in the marketplace continues to exist.

For decades, employers have used gender as a determining factor when setting pay rates. And, systematically, wages have become depressed for jobs dominated by women. Teachers, nurses, secretaries, and service industry workers have become the victims of sex-based wage discrimination regardless of whether they are men or women. Gender alone has commanded their wages. The result has been a 30-year-old wage gap between male and female workers, averaging 40 percent.

Part of the problem can be attributed to the Federal Government. The Government's commitment to eliminating sex-based wage discrimination has been nonexistent under President Reagan. In fact, this administration has gone out of its way to ridicule and denounce pay equity, claiming that market forces will close the earnings gap in time. The Federal Government's inactivity has given employers the green light to continue practicing sex-based wage discrimination with impunity.

My first bill, the Pay Equity Act of 1985, would mandate the agencies responsible for enforcing the Equal Pay Act, the Civil Rights Act, and certain Executive orders to report to the President and the Congress on their enforcement activity. Specifically, each agency—the EEOC, the Department of Justice, and the Department of Labor—would give detailed information on the number of pay discrimination cases filed, the number processed, and the nature of the complaints. The bill would also mandate the EEOC to establish an educational program on eliminating sex-based wage discrimination from private-sector pay systems. The educational program would be available for all employers wanting to know about the most effective means of restructuring their pay scales.

The second bill, the Federal Pay Equity Act of 1985, would mandate the U.S. Office of Personnel Management to hire a private consultant to examine the Federal pay and classification systems to determine whether or to what extent gender is used as a factor in setting Federal workers' pay rates. This bill is exactly the same as title I

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## CONGRESSIONAL RECORD — Extensions of Remarks

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of H.R. 5680 which passed the House by a record vote of 413 to 6 on June 28, 1984. Unfortunately, the bill was not acted upon in the Senate and has been moved to this year's agenda.

At the end of the last session, Senators ALAN CRANSTON of California and TED STEVENS of Alaska, after engaging in a colloquy on pay equity, agreed to co-sign a letter to the General Accounting Office requesting a preliminary report on the best means of conducting a complete pay equity study of the executive branch of the Federal Government. They also agreed that the GAO report would be subject to hearings in the Senate Governmental Affairs Committee in March. The letter to GAO, dated November 15, 1984, was also signed by myself, Congressman WILLIAM D. FORD of Michigan, Congressman BARNEY FRANK of Massachusetts, Congresswoman PATRICIA SCHROEDER of Colorado, Senators JEFF BINGAMAN of New Mexico, THOMAS EAGLETON of Missouri, DAN EVANS of Washington, and DAVE DURENBERGER of Minnesota. The GAO's preliminary analysis of how the Federal Government could best conduct a pay equity study will be valuable in reaching the ultimate goal of enacting my legislation into law.

A recent study released by the GAO revealed that most women working for the Federal Government are concentrated in the lower seven grades, typically occupying traditionally female-dominated jobs. These Federal Employees are no different from their co-workers in the private sector. They are at the lower end of the pay scale, and while more women are moving into nontraditional occupations, occupations viewed as women's jobs remain sadly underpaid. What needs to happen at the Federal level is a sincere commitment to enforce existing laws and ensure the Nation's work force that their pay scales are not marred by prejudice.

State and local governments are re-examining their pay scales to determine whether sex-based wage discrimination exists. Some private corporations are also taking the initiative to study their pay and classification systems to see if they are operating within the framework of the law. Yet, that the Federal Government is doing nothing.

I am certain that my colleagues share with me a desire for more equitable treatment of our Nation's workers. We must end this blatant form of wage discrimination against working women. My legislation would be an important step for the Federal Government to reaffirm its commitment to this basic civil right. I encourage my colleagues to cosponsor these bills and participate in the hearings I will be holding next month.

Thank you.●

THE AMERICAN GOLD EAGLE  
COIN ACT OF 1985

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing the "American Gold Eagle Coin Act of 1985," which provides for the minting of two coins which bear the same design, but each containing a different weight of gold: one ounce and one-half ounce.

The design of the new American Eagle would be the figure of "Walking Liberty" from the 1908 St. Gaudens' double eagle on the obverse, and on the reverse, the heraldic eagle of the Great Seal of the United States. The coins would not be denominated by a dollar value, but as was the case with the first American gold coins, by weight only.

As official coins of the United States, the new American Eagles would not be sold as the gold medallions minted under the American Arts Medallions Act are, but exchanged for other official currencies of the United States through the banking system. Just as with Federal Reserve notes and the present clad coinage, there would be no tax imposed on the exchange of such coins. The new gold coins would be acceptable in the settlement of private debts, just like any other official money, but unlike any other moneys, the coins would not be acceptable in the payment of any Federal taxes, duties, or dues.

The coins could be minted from the Treasury's own stock of gold, up to a maximum of 10 million ounces, and any owner of gold bullion or foreign gold coins would be able to deliver them to a mint of the United States and receive in exchange an equal weight of American Eagles.

The power "to coin money" is expressly delegated to the Congress under Article I, Section 8 of the Constitution. The meaning of this phrase is clear, but Congress has been ignoring it for the past 70 years, ever since it delegated power to the Federal Reserve System to print money and create credit ex nihilo. Over those 70 years, our Nation has been plagued with the worst depression, inflations, unemployments, recessions, bankruptcy, and interest rates in our history. Nothing we suffered under an imperfect gold standard during the 19th century can compare to the damage our economy has sustained under the management of the Federal Reserve.

The authors of the Constitution wrote Article I, Section 8 precisely for the purpose of outlawing the type of monetary system we have now. The use of the word "coin" rather than the word "print," or the phrase "emit bills of credit," was deliberately placed in the Constitution as a reaction to the debacle created by paper money printed and issued by the Continental Con-

gress during the Revolutionary War. It is significant to note that this power of coining money is mentioned in the same sentence in the Constitution as the power to "fix the standards of weights and measures," for the framers regarded money as a weight of metal and a measure of value.

For decades now, but especially for the past 10 years, we have had a medium of exchange, the Federal Reserve note, which is fluctuating in its value. As Roger Sherman, a delegate to the Constitutional Convention, wrote, "If what is used as a medium of exchange is fluctuating in its value, it is no better than unjust weights and measures . . . which are condemned by the Laws of God and man." With the issuance of new gold coins by the Treasury, the Federal Reserve's monopoly on money will be challenged. The "American Gold Eagle Coin Act of 1985" represents a major step toward the eventual replacement of our present irredeemable paper money system with a gold based system.●

UNEMPLOYMENT COMPENSATION  
EQUITY FOR THE JOB-  
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HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today reintroducing legislation I first introduced in the last Congress to correct an inequity in Federal Supplemental Compensation as it affects certain laidoff workers.

In 1981, one of the major tire companies headquartered in my congressional district shut down a plant, laying off several hundred workers. Some of the employees chose early retirement, foregoing any chance of a recall in the event that the plant reopened. Under unemployment compensation law, these workers were also entitled to unemployment benefits, offset dollar for dollar by their pensions.

Many other workers instead decided to place their faith in the economy and chose to be laid off, trusting that they would be recalled before their unemployment compensation ran out. That never happened, and these workers have, of course, long since exhausted their unemployment benefits. Eligible workers from this group were finally themselves forced to retire once their unemployment benefits ran out.

Unfortunately, this latter group of workers ultimately received considerably less unemployment compensation than those workers who chose to accept immediate retirement when the plant closed. This is so even though both groups of workers performed the same work for the same wages and are now receiving the same pensions. It is this inequity which my bill seeks to remedy.